

Nebraska Early Childhood – Unfunded Mandates

Teaching Strategies Gold - Concerns

- Districts in Nebraska must purchase Teaching Strategies GOLD to assess all birth to five children enrolled in early intervention programs at a cost of \$10.45 per child.
 - All preschool children enrolled in district preschools must be assessed using anecdotal notes three times per year, instead of just using entry and exit data into the programs.
(OSEP Requirement – Data collection at entry and exit for children receiving special education services / NDE Requirement – All preschool children are assessed)
 - All birth to five personnel using Teaching Strategies GOLD must pass an inter-rater reliability performance test and pass at an 80% performance level. The birth to three test takes a minimum of three hours and the preschool test takes a minimum of three hours to complete, so a birth to five teacher must complete 6 hours of testing and continue testing until the 80% performance level is reached. The district must either absorb the cost of substitute teachers or plan a non-student day for children so that teachers can take the test. No other Nebraska teacher has to take a test and pass at the 80% performance level in order to assess their students.
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Teaching Strategies Gold - Suggestions

- Only completing Gold at entry and exit since it is the only data required
- Fall and Spring checkpoints. *(Limited growth in Winter)*
- Only complete Gold on preschool children receiving special education services
(Otherwise, provide reasoning WHY districts complete Gold with ALL preschool students. Why isn't typically developing peer data reported)

Part C - Child and Family and Assessment

- RBI or another research based tool is a Part C requirement

Preschool

- Teacher responsibilities
Many teachers are dually endorsed having responsibility of general education curriculum, writing the MDT, attending MDT meetings, IFSP/IEP responsibilities, and GOLD assessment/documentation
- 2 home visits - Required each year
- Paraprofessional Requirement – Early Childhood requirements for paraprofessionals is much more stringent than school aged paraprofessional requirements
The Early Childhood requirements require extra training and funding.

Preschool Program Outcomes

- The Early Childhood Environmental Rating Scales (ECERs) must be completed once a year on half of the preschool programs in each district. Programs must be rated by a paid observer or by a district staff member that the district trained and who requires a substitute teacher. Each preschool requires a half day of observation.
- The Classroom Assessment Scoring System (CLASS) will be a required program assessment beginning in 2015-2016. There will be added cost to districts in order to train observers for this newly required program assessment.

Early Development Network – Technical Assistance Guidebook

- “IF/THEN” format for eligibility (see 6-3, 7-3 and 7-10 in the TA Guidebook: all children with a verified mental or physical disability with proper medical documentation automatically qualify for early intervention)
- The Federal Register uses the words “determination by Lead Agency” in regard to eligibility, and not the same definitive language that is in the Technical Assistance Guidebook.
- *Determination has always been made through the MDT process.*
- *The proposed changes could have a significant staffing impact. Districts will be verifying children who in the past might not have been determined eligible by the MDT.*
- *Part C grants are declining, so funding sources don't appear to have the capacity to address potential increases in case loads across the state.*

Section 6: Post-Referral Screening

Screening: Important considerations

It is important to note the following considerations:

If....	Then...
an infant's or toddler's medical records indicate the child has a diagnosed physical or mental condition;	the child is eligible for Early Development Network and an initial assessment is required to identify child's unique strengths and needs and the early intervention services appropriate to meet those needs. See Section 7: Initial Evaluation and Assessment
a referral is received from another agency with timely pre-referral screening data;	existing timely pre-referral screening information and data are acceptable for consideration and review of the child's development and should not be re-administered. With parental written consent, the team moves to a full evaluation in order to determine eligibility
an infant or toddler has not been screened before the referral was made (no pre-referral screening), there is no diagnosed condition reported at the time of referral, and the child is not suspected of having a developmental delay;	the school district or approved cooperative and referral source (if parental consent has been obtained) may choose to conduct a post-referral screening of the child's development and then share the results with the parent, the services coordinator, and referral source (if parental consent obtained). [92NAC 52.009.03B]

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Section 7: Initial Evaluation and Assessment of the Child

Questions and decisions to determine eligibility

<u>If....</u>	<u>And....</u>	<u>Then....</u>
the child has an established delay;	the delay is documented in medical or other records which are available for review;	child is eligible for Early Development Network; <ul style="list-style-type: none">• conduct an initial multidisciplinary assessment of the child to identify unique strengths and needs in each of the required developmental areas, helping to identify the early intervention services appropriate to meet those needs; and• conduct a family-directed assessment in order to identify the family’s resources, priorities concerns and the supports and services necessary to enhance the family’s capacity to meet the developmental needs of the child.

June 6, 2012

Dear Dr. Breed:

The reauthorized *Individuals with Disabilities Education Act* (IDEA) which was signed into law on December 3, 2004 requires states to have in place a performance plan evaluating their implementation of Part C and Part B regulations (State Performance Plan—SPP). States, under the reauthorization, are further required to submit an annual report of their performance, according to the targets in the state performance plan (Annual Performance Report—APR). In Nebraska, the Department of Education developed a process for early childhood programs to systematically collect data that could be used to meet the Office of Special Education Programs (OSEP) requirements for data collection and reporting on the SPP and APR. This process is known as “Results Matter.”

Over the past few years, the Department of Education has guided Districts through the Results Matter process by providing ongoing professional development and support. The Results Matter Task Force was created a few years ago by NDE in an effort to “advise, provide guidance, and recommend policy to NDE and their partners in the implementation of *Results Matter in Nebraska*,” according to Task Force operating procedures dated March, 2012. This Task Force is made up of representatives from public school districts, Educational Service Units (ESU’s) and Head Start partners. The Task Force brings the unique perspective of service providers across Nebraska who are implementing the Results Matter process in their daily work with children and families.

Over the past year, the Task Force has clearly shared information with NDE regarding strengths and concerns associated with the Results Matter process, based on reports and experiences “from the field.” Overwhelmingly, the Task Force believes the preservation of quality, meaningful services for children and families is of critical importance, and raised concerns with some of the Results Matter requirements that impede these services. Specifically, the Task Force raised concern that Results Matter mandates practices that exceed Federal (OSEP) requirements. Services to children and families are impacted by these requirements, as discussed at recent Task Force meetings. Additionally, NASES has repeatedly shared concerns with the NDE Special Education and Early Childhood Leadership Teams during NASES/NDE Liaison Meetings.

One of the primary concerns noted is the requirement that data be collected at 4 checkpoints in the year. The following is an excerpt from the Results Matter Technical Assistance Document which was updated in August, 2011:

15. What are the checkpoint data periods?

FALL: August 15 – October 31

WINTER: November 1 – February 14

SPRING: February 15 – May 31

SUMMER: June 1 – August 14 [12-month programs only]

16. Why is ongoing data collection required at each checkpoint?

Ongoing data collection is required at each checkpoint to provide:

- continuous child progress monitoring;
- appropriate program planning for individual children and groups of children;
- a data-based method for evaluating the effectiveness of instructional approaches;

- *systematic decision-making to allow early and effective responses to children's learning;*
- *current information for parent conferences, transition meetings, IEP/IFSP meeting and others; and,*
- *classroom, program and district data for program administrators and other stakeholders to guide decision-making for improving child and program outcomes.*

Districts are not opposed to data collection and progress monitoring, but requiring data collection at 4 points during the year is excessive and yields little benefit to children and families. Districts use multiple data sources to make decisions regarding child progress, and the response from practitioners is that data collected at two points during the year is sufficient to assist with decision-making and progress monitoring. Further, OSEP only requires near-entry and near-exit data. OSEP requires data collection at the time the child enters Part C or Part B and again when they exit Part C or Part B for any reason. For example, if a child enters Part C during their first year of life, OSEP does not require exit data until they turn 3 and transition to Part B. Under NDE requirements, the child will have had the GOLD assessment completed more than 12 times before their near-exit data is captured and reported to OSEP.

The Results Matter Task Force raised additional concerns related to the frequency of data collection (4 checkpoints in a year):

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- GOLD may not align with family goals, concerns and priorities (e.g. IFSP);
 - ~~Families express frustration when their home visits are spent on GOLD data collection as~~ opposed to their concerns and priorities for their child;
 - GOLD is not sensitive enough to demonstrate growth at these frequent checkpoints—2 times per year is more than sufficient for teams to gather useable data for measuring outcomes;
 - Center-based teachers report they are spending much of their time collecting data and very little time “teaching” children;
 - For children who receive minimal services (6-12 visits per year), time must be spent at every session testing with GOLD, rather than addressing IEP or IFSP objectives.
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We recommend completing Results Matter assessments 2 times per year for children who participate in programs that are not funded with Title I or Head Start dollars. Children receiving services in settings that receive Title I/Head Start dollars would be assessed a minimum of 3 times per year in accordance with federal regulations. This is still above and beyond OSEP requirements. Unfortunately, representatives from NDE's Early Childhood and Special Education Departments are unwilling to make this change. Additionally, they are not able to tell school districts what the excessive data collection will be used for from the state's perspective.

We would be interested in discussing this issue further with you and your team. Time is critical for our earliest learners, and we want to assure that time is well spent so that infants, toddlers, and preschoolers can make the much needed progress that is outline in their IEPs and IFSPs.